

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE HERLEY INDUSTRIES, INC.  
SECURITIES LITIGATION

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Civil Action No. 06-CV-2596

**MOTION IN LIMINE NO. 4: TO PROHIBIT  
PLAINTIFF FROM INTRODUCING EVIDENCE OR  
ARGUMENT REGARDING AGGREGATE DAMAGES**

Defendants Herley Industries, Inc. (“Herley”), Lee Blatt (“Blatt”), Myron Levy (“Levy”), Anello C. Garefino (“Garefino”), Thomas V. Gilboy (“Gilboy”), and John M. Kelley (“Kelley”), by and through their undersigned counsel, respectfully submit this Motion in Limine No. 4: To Preclude Plaintiff From Introducing Evidence or Argument Regarding Aggregate Damages. For the reasons set forth in the attached Memorandum of Law, which is incorporated by reference, Defendants respectfully request that an Order be entered in the proposed form attached.

April 7, 2010

Respectfully Submitted,

/s/ James T. Smith

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